

**Loan Recipient's Requirements for Solicitation and Documentation**  
**of**  
**Minority and Women's Business Enterprises**  
**Participation on State Revolving Fund (SRF) Loan-Funded Projects**

A goal-oriented system has been established to promote minority and women's business enterprise (MBE/WBE) participation by providing construction services, professional services, supplies, and/or equipment on SRF Loan-funded water and wastewater projects. It is the Loan Recipient's responsibility to ensure that Bidders make a good faith effort during the bidding phase to solicit for sub-contractor participation by MBE/WBE subcontractors, service professionals, suppliers, and/or equipment vendors on all SRF-funded projects.

**DEFINITIONS**

**Minority Business Enterprise (MBE):** A qualified socially and economically disadvantaged minority-owned business certified by any State or Federal agency, such as the Tennessee Department of Transportation, U.S. EPA's Office of Small and Disadvantaged Business Utilization, or the U.S. Small Business Administration.

**Women's Business Enterprise (WBE):** A qualified independent business at least 51% owned by a woman or women and certified by any State or Federal agency such as the Tennessee Department of Transportation, U.S. EPA's Office of Small and Disadvantaged Business Utilization, or the U.S. Small Business Administration.

**Fair-Share Goals:** The MBE fair-share goal is 2.6% for construction and 6.6% for supplies, services, and equipment. The WBE fair share goal is 2.6% for construction and 3.9% for supplies, services, and equipment.

**INSTRUCTIONS TO LOAN RECIPIENTS**

**Pre-Bid Requirements**

Loan Recipients must include the SRF Loan Program's "Bidder's Requirements for Solicitation and Documentation Of Minority and Women's Business Enterprises Participation on SRF-Funded Projects" information sheet in the Information for Bidders section of bid documents. Loan Recipients must also ensure that Bidders take the following affirmative steps that constitute a good-faith effort to secure MBE/WBE participation:

- Include qualified minority and women's businesses on solicitation lists whenever they are potential sources,
- Divide construction contracts into subcontracts, when economically feasible, to encourage maximum participation by minority and women's businesses,
- Establish delivery schedules, where requirements of the work permit, that encourage participation by minority and women's businesses,
- Use the services and assistance of the Office of Minority Business Enterprises of the U.S. Department of Commerce, or the U.S. EPA's Office of Small and Disadvantaged Business Utilization. For assistance or information, Bidders may be referred to:

Tennessee Department of Transportation  
Small Business Development  
505 Deaderick Street, Suite 1800  
Nashville, TN 37243-0347  
(615) 741-3681  
[http://www.tdot.state.tn.us/construction/DBE%20list/dbe\\_list.pdf](http://www.tdot.state.tn.us/construction/DBE%20list/dbe_list.pdf)

Mr. Phillip D. Mahoney, District Director  
U.S. Small Business Administration  
50 Vantage Way, Suite 201  
Nashville, TN 37228  
(615) 736-5881  
<http://pro-net.sba.gov/>

Ms. Jeanette L. Brown, Director  
U.S. Environmental Protection Agency  
Office of Small and Disadvantaged Business Utilization  
1200 Pennsylvania Avenue, N.W. (1230A)  
Washington, D.C. 20460  
(202) 564-4100  
<http://www.epa.gov/osdbu/>

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**Post-Bid Requirements**

Loan Recipient's must complete a Certification and Summary of MBE/WBE Participation Form for each construction contract and forward it and supporting documentation to the Administrative Section of the SRF Loan Program before award of any construction contract(s). The Certification and Summary of MBE/WBE Participation Form must clearly indicate whether MBE/WBE subcontractor, professional service provider, supplier, and/or equipment vendor participation was secured, identify the MBE/WBE firms to be used, and certify that the MBE/WBE firms are qualified. The Loan Recipient must submit an appropriately completed Certification and Summary of MBE/WBE Participation Form even if the selected Bidder was unable to secure MBE/WBE participation. Loan Recipient's must also prepare and submit a separate letter documenting that a good-faith effort was made to secure MBE/WBE participation through newspaper advertisement and certified letters mailed to a minimum of 10 qualified MBE/WBE potential subcontractors, professional service providers, suppliers, and/or equipment vendors. The completed Certification and Summary of MBE/WBE Participation Form, copies of the certified letters and the corresponding return mail receipts, and the letter documenting the good-faith effort to secure MBE/WBE participation must be returned to Dr. Bagher Sami of the SRF Loan Program prior to award of any construction contract(s). This documentation is the only form of documentation that will be accepted by the SRF Loan Program. Failure to provide the required documentation may result in the SRF Loan Program delaying the Loan Recipient's award of construction contracts.

The Loan Recipient should direct all inquiries regarding the SRF Loan Program's requirements for MBE/WBE solicitation and documentation to:

Dr. Bagher Sami, Loan Administrator  
State Revolving Fund Program  
Division of Community Assistance  
Tennessee Department of Environment and Conservation  
Life & Casualty Tower, 8th Floor  
Nashville, TN 37243-1533

or contact him by telephone at (615) 532-0445 or by e-mail at [bagher.sami@state.tn.us](mailto:bagher.sami@state.tn.us)

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**Women's Business Enterprise (WBE):** A qualified independent business at least 51% owned by a woman or women and certified by any State or Federal agency such as the Tennessee Department of Transportation, U.S. EPA's Office of Small and Disadvantaged Business Utilization, or the U.S. Small Business Administration.

**INSTRUCTIONS TO BIDDERS**

**Pre-Bid Requirements**

All Bidders must send letters, by certified mail with return receipt requested, to a minimum of 10 qualified MBE/WBE subcontractors, professional service providers, suppliers, and/or equipment vendors to solicit their subcontract participation in the work. Lists of qualified MBE/WBE firms may be obtained from various State and Federal agencies, including the following:

Tennessee Department of Transportation  
Small Business Development  
505 Deaderick Street, Suite 1800  
Nashville, TN 37243-0347  
(615) 741-3681

[http://www.tdot.state.tn.us/construction/DBE%20list/dbe\\_list.pdf](http://www.tdot.state.tn.us/construction/DBE%20list/dbe_list.pdf)

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**Post-Bid Requirements**

Prior to contract award, the apparent successful Bidder must identify to the Owner all MBE/WBE firms to be used and provide copies of all State or Federal agency MBE/WBE Lists that identify that the firms to be used are in-fact qualified minority or women's business enterprises. After contract award, the Contractor must maintain supporting documents such as certification lists, solicitation documents, letters of intent, contracts, etc., for the duration of the project.

If the apparent successful Bidder is unable to secure MBE/WBE participation, it remains their responsibility to provide documentation to the Owner, prior to contract award, that a good faith effort was made. Copies of the certified letters sent to a minimum of 10 qualified MBE/WBE potential subcontractors, suppliers, and equipment vendors, and corresponding return mail receipts are the only documentation of a good-faith effort that will be acceptable to the Owner. Failure to provide the required certified letters and return receipts to the Owner may delay the contract award until the required documentation has been provided to and accepted by the Owner.

## ADVERTISEMENT FOR BIDS

The {insert name of City/Town/County/Utility District/Authority} will receive separate sealed BIDS for the construction of a {water or wastewater} project at {location to deliver bid proposal} until {closing time} local time on {date} and, then, at said time, publicly open and read the BIDS aloud.

The work to be bid on is as follows: {Description of work to be performed here.}

The allotted time for construction is {# of days for work to be performed} calendar days.

The information for Bidders, Form of Bid, Form of Agreement, Drawings, Specifications, Forms of Bid Bond, Performance Bond, Payment Bond, and other contract documents may be examined at the addresses below:

{Please type address of consulting engineer's office}

{Please type address of City/Town/Utility District/Authority}

Ms. Marilyn Robinson, Executive Director  
Nashville Minority Business Center  
223 8<sup>th</sup> Avenue North, Suite 205  
Nashville, TN 37203  
(615) 255-0432

Copies of the CONTRACT DOCUMENTS may be obtained at the {name of office to pick up contract documents} Office, located at {address of office}, upon payment of \$ {Amount} for each set.

Any BIDDER, upon returning the CONTRACT DOCUMENTS within {number of days} days after BID opening and in good condition, will be refunded {his/her payment or \$ amount} and any non-bidder will be refunded \$ {Amount}.

### **Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) Requirements**

Any contract or contracts awarded by the Owner through this invitation for bids will be funded by a State Revolving Fund (SRF) Loan from the State of Tennessee. State and Federal funds will be involved in this project and, as a result, Bidders must comply with the SRF Loan Program's MBE/WBE requirements including contacting a minimum of 10 qualified MBE/WBE potential sub-contractors, professional service providers, vendors, and/or suppliers by certified mail to solicit bids. The apparent successful Bidder must submit to the Owner copies of the certified letters and return receipts prior to contract award. Neither the State of Tennessee nor any of its departments, agencies, or employees is or will be a party to this Invitation for Bids or any resulting contract(s) awarded by the Owner.

### **SPECIAL NOTICE TO MBE/WBE FIRMS**

All qualified MBE/WBE firms desiring to bid as a General Contractor, sub-contractor, professional service provider, supplier, or equipment vendor are encouraged to contact Ms. Marilyn Robinson at the Nashville Minority Business Center office listed above to review bidding/contract documents. Qualified MBE/WBE firms may also contact {Name of the Engineer, office address, and phone number}, in order to obtain a list of prospective bidding General Contractors or to obtain copies of bidding/contract documents.

**Loan Recipient's Certification and Summary**  
**of**  
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SRF Loan Recipient: \_\_\_\_\_

SRF Loan No. \_\_\_\_\_

**INSTRUCTIONS TO SRF LOAN RECIPIENTS**

The SRF Loan Recipient's Authorized Representative must clearly indicate the Contractor's MBE/WBE participation results by placing a check in the appropriate box below. The remainder of the form must be completed if MBE/WBE participation was obtained. The form must be signed and dated and returned to Dr. Bagher Sami of the Administrative Section of the SRF Loan Program. The completed Form must be accompanied by copies of the certified letters sent from the selected Bidder to a minimum of 10 qualified MBE/WBE potential subcontractors, suppliers, and/or equipment vendors, and copies of the corresponding return mail receipts. The SRF Loan Program must be notified of any changes, additions, or deletions to the contract during construction.

☐ **No MBE/WBE participation was obtained for this SRF-funded project.** I certify that a good-faith effort was made to solicit MBE/WBE participation in accordance with the four affirmative steps outlined in the SRF Loan Program's Requirements for Solicitation and Documentation Of Minority and Women's Business Enterprises Participation on SRF-Funded Projects. A letter documenting that a good-faith effort was made to secure MBE/WBE participation has been provided to the SRF Loan Program.

**Or**

☐ **MBE/WBE participation was obtained for this SRF-funded project.** I certify that the MBE/WBE firms participating in this SRF-funded project are qualified in accordance with the SRF Loan Program's Requirements for Solicitation and Documentation Of Minority and Women's Business Enterprises Participation on SRF-Funded Projects. Below is a listing of firms to be utilized and the amounts of their respective participation.

1. **MBE/WBE Sub-contractor, Vendor, or Supplier's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Sub-contract Amount:** \$ \_\_\_\_\_ **MBE** \_\_\_\_ **WBE** \_\_\_\_ **% of Contract \$:** \_\_\_\_ %

2. **MBE/WBE Sub-contractor, Vendor, or Supplier's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Sub-contract Amount:** \$ \_\_\_\_\_ **MBE** \_\_\_\_ **WBE** \_\_\_\_ **% of Contract \$:** \_\_\_\_ %

3. **MBE/WBE Sub-contractor, Vendor, or Supplier's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Sub-contract Amount:** \$ \_\_\_\_\_ **MBE** \_\_\_\_ **WBE** \_\_\_\_ **% of Contract \$:** \_\_\_\_ %

4. **MBE/WBE Sub-contractor, Vendor, or Supplier's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Sub-contract Amount:** \$ \_\_\_\_\_ **MBE** \_\_\_\_ **WBE** \_\_\_\_ **% of Contract \$:** \_\_\_\_ %

**PARTICIPATION SUMMARY**

**Total SRF Loan Amount:** \$ \_\_\_\_\_ **Total Construction Contract Amount:** \$ \_\_\_\_\_

**Total MBE Participation:** \$ \_\_\_\_\_ **Total WBE Participation:** \$ \_\_\_\_\_

\_\_\_\_\_  
Signature and Title of SRF Loan Recipient's Authorized Representative

\_\_\_\_\_  
Date